INTERSTATE SHIPMENT: Between the approximate dates of March 29 and July 25, 1944, from Indianapolis, Ind., and Chicago, Ill.; a number of bottles containing *Seconal Sodium Capsules* and *Luminal Tablets*.

LABEL, IN PART: (Bottle, when shipped) "5000 Pulvules Seconal Sodium 1½ grs. (0.1 Gm.) (Sodium Propyl-methyl-carbinyl Allyl Barbiturate, Lilly) Warning—May be habit forming Not For Intravenous Use Caution—To be used only by or on the prescription of a physician," or "50 Tablets Luminal Brand of Phenobarbital Warning—May Be Habit Forming Caution: To be used only by or on the prescription of a physician, dentist, or veterinarian."

NATURE OF CHARGE: That between August 25 and September 17, 1944, while they were being held for sale at the Lewis Drug Store, a number of *Seconal Sodium Capsules* were removed from the bottles in which they had been shipped and were repacked into smaller bottles bearing substantially the same labels; and that on or about September 16 and 17, 1944, the defendant removed a number of the capsules from the smaller bottles, repacked them in unlabeled envelopes, and sold them without a prescription. The information also charged that on or about September 17, 1944, the defendant removed a quantity of tablets from the bottle labeled "Tablets Luminal," repacked them into an unlabeled box, and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drugs in the following respects: Section 502 (d), the drugs contained a chemical derivative of barbituric acid, which derivative has been found to be and by regulations designated as habit forming, and their labels failed to bear the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement, "Warning—May be habit forming"; Section 502 (f) (1) (2), the envelope and the box containing the drugs bore no labeling containing directions for use, and they bore no labeling containing warnings against use in those pathological conditions wherein the use of drugs might be dangerous to health, or against unsafe dosage and methods and duration of administration; and, Section 502 (e), the envelopes and the box containing the *Seconal Capsules* and the *Luminal Tablets*, respectively, failed to bear labels containing the common or usual names of the drugs, "Seconal" and "phenobarbital," respectively.

DISPOSITION: May 21, 1945. A plea of guilty having been entered, the court imposed a fine of $150 on each of the 8 counts of the information.

1804. Misbranding of Seconal Sodium Capsules and Luminal Tablets. U. S. v. John Edward Jones, also known as Jay Jones. Plea of guilty. Fine, $300. (F. D. C. No. 15524. Sample Nos. 90601–F, 90603–F, 90611–F.)

INFORMATION FILED: May 11, 1945, Southern District of Ohio, against John Edward Jones, also known as Jay Jones, Jackson, Ohio.

INTERSTATE SHIPMENT: Between the approximate dates of March 29 and July 25, 1944, from Indianapolis, Ind., and Chicago, Ill.; a number of bottles containing *Seconal Sodium Capsules* and *Luminal Tablets*.

LABEL, IN PART: (Bottle, when shipped) "5000 Pulvules Seconal Sodium 1½ grs. (0.1 Gm.) (Sodium Propyl-methyl-carbinyl Allyl Barbiturate, Lilly) Warning—May be habit forming Not For Intravenous Use Caution—To be used only by or on the prescription of a physician," or "50 Tablets Luminal Brand of Phenobarbital Warning—May Be Habit Forming Caution: To be used only by or on the prescription of a physician, dentist, or veterinarian."

NATURE OF CHARGE: That between the dates of August 25 and September 16, 1944, while they were being held for sale at the Lewis Drug Store, a number of the *Seconal Sodium Capsules* were removed from the bottles in which they had been shipped and were repacked in smaller bottles bearing substantially the same labels; and that on or about September 16, 1944, the defendant removed a number of the capsules from the smaller bottles, repacked them in unlabeled envelopes, and sold them without a prescription. The information also charged that on or about September 16, 1944, the defendant removed a quantity of tablets from the bottle labeled "Tablets Luminal," repacked them into a box unlabeled except for the words "Luminal 1½ gr.," and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drugs in the following respects: Section 502 (d), the drugs contained a chemical derivative of barbituric acid, which derivative has been found to be and by regulations designated as habit forming, and their labels failed to bear the name and quantity or proportion of such derivative and, in

juxtaposition therewith, the statement, "Warning—May be habit forming"; Section 502 (f) (1), (2), the envelopes containing the drugs bore no labeling containing directions for use and they bore no labeling containing warnings against use in those pathological conditions wherein the use of the drugs might be dangerous to health, or against unsafe dosage and methods and duration of administration; and, Section 502 (e), the envelopes containing the *Seconal Capsules* failed to bear labels containing the common or usual name of the drug, "Seconal."

DISPOSITION: May 21, 1945. A plea of guilty having been entered, the court imposed a fine of $100 on each of the 3 counts of the information.

1805. Misbranding of Laken's 9 Drops. U. S. v. 26 Boxes of Laken's 9 Drops Capsules and 22 Combination Packages of Laken's 9 Drops Capsules and Liquid. Default decree of condemnation and destruction. (F. D. C. No. 16704. Sample No. 4814–H.)

LIBEL FILED: On or about July 23, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about June 1, 1945, by the Marshall Drug Co., from Philadelphia, Pa.

PRODUCT: 26 boxes of *Laken's 9 Drops Capsules* and 22 combination packages, each containing a box of the capsules and a carton containing 1 bottle of *Laken's 9 Drops Brand Liquid*, at Paulsboro, N. J.

Examination showed that each capsule consisted essentially of aspirin 3.4 grains, acetophenetidin 2.5 grains, and caffeine citrate 1 grain; and that the liquid consisted essentially of sodium salicylate, potassium iodide, water, and a trace of an alkaloid. The labels bore no statement of the quantity of the contents.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in an accompanying circular were false and misleading in that they represented and suggested that the articles, alone or in combination, would be effective in the treatment of rheumatism, lumbago, arthritis, backaches, muscular aches and pains due to rheumatism, swollen joints, and stiff joints; that they would be effective as an analgesic and uric acid solvent; that they would get at the main cause of so-called rheumatism; and that they would be effective in the treatment of the suffering and discomfort associated with common colds. The articles, alone or in combination, would not be effective for such purposes. Further misbranding, Section 502 (b) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (e) (2), the label of the capsules failed to bear a statement of the quantity or proportion of acetophenetidin contained therein; and, Section 502 (f) (2), the labeling of the capsules failed to warn that frequent or continued use might be dangerous, causing serious blood disturbances, and that not more than the recommended dose should be taken.

DISPOSITION: August 24, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1806. Misbranding of Testogenol Tablets. U. S. v. 67 Bottles of Testogenol Tablets. Default decree of condemnation and destruction. (F. D. C. No. 16684. Sample No. 24514–H.)

LIBEL FILED: July 7, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 19, 1945, by the T-Lax Products Co., from Birmingham, Ala.

PRODUCT: 67 bottles of *Testogenol Tablets* at New Orleans, La. Examination showed that the article had essentially the composition claimed on the label.

LABEL, IN PART: "Testogenol 100 Tablets Indicated in Functional Impotence of Neurasthenic Origin * * * Each Tablet Contains: Vitamin B_1 . . . 666 U. S. P. Units Yohimbin Hydrochloride . . . 0.0005 Gram Orchic Substance . . . 0.05 Gram Calcium Glycerophosphate . . . 0.15 Gram Sodium Glycerophosphate . . . 0.15 Gram Extract Nux Vomica . . . 0.03 Gram Directions—Take 2 to 3 Tablets Depending Upon Age and Severity of Case or as Directed by the Physician. Warning—Do not exceed recommended dosage. When desired effect is reached discontinue use. If symptoms do not improve consult physician. Not for children."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Indicated in Functional Impotence of Neurasthenic Origin * * * Take 2 or 3 Tablets Depending upon Age and Severity of Case," were false and misleading since the article was not effective for impotence. Further misbrand-